

House Bill 201

By: Representatives Geisinger of the 48<sup>th</sup>, Hill of the 21<sup>st</sup>, and Reese of the 98<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and energy absorption systems, so as to provide that the failure to use safety belts may be evidence of causation, negligence, and contributory negligence; to provide that all new school buses purchased or leased on and after July 1, 2009, shall be equipped with passenger safety belts; to provide that safety belts shall be used on all school buses so equipped on and after July 1, 2009; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and energy absorption systems, is amended by revising subsection (c) of Code Section 40-8-76, relating to safety belts as required equipment, as follows:

"(c) Violation of this Code section ~~shall not constitute~~ may be considered evidence of negligence ~~per se nor or~~ contributory negligence ~~per se~~. Violation of subsection (b) of this Code section shall not be the basis for cancellation of coverage or increase in insurance rates."

**SECTION 2.**

Said part is further amended by revising subsection (d) of Code Section 40-8-76, relating to safety belts as required equipment, as follows:

"(d)(1) The provisions of this Code section shall not apply to buses, as defined in paragraph (7) of Code Section 40-1-1, used in the transport of children over four years of age until July 1, 2007, provided that the bus is operated by a licensed or commissioned child care facility, has a current annual transportation safety inspection certificate as

required by the appropriate licensing body, and has evidence of being inspected for use by a child care facility. If the bus is not a school bus, as defined in paragraph (55) of ~~Code Section 40-1-1~~, or a multifunction school activities bus, as defined in 49 C.F.R. 571.3(B), each child over four years of age and under six years of age shall be properly restrained by a safety belt. Multifunction school activities buses, as defined in 49 C.F.R. 571.3(B), shall not be required to transport children five years of age in a child passenger restraining system.

(2) All new school buses, as defined in paragraph (55) of Code Section 40-1-1, purchased or leased for use in this state as such on and after July 1, 2009, shall be equipped with safety belts for all passengers.

(3) On and after July 1, 2009, each child over four years of age being transported on a school bus, as defined in paragraph (55) of Code Section 40-1-1, equipped with safety belts for passengers shall be properly restrained by a safety belt."

### SECTION 3.

Said part is further amended by revising subsection (d) of Code Section 40-8-76.1, relating to use of safety belts in passenger vehicles, as follows:

"(d) The failure of an occupant of a motor vehicle to wear a seat safety belt in any seat of a motor vehicle which has a seat safety belt or belts ~~shall not be considered evidence of negligence or causation, shall not otherwise be considered by the finder of fact on any question of liability of any person, corporation, or insurer, shall not be any basis for cancellation of coverage or increase in insurance rates, and shall not be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy, or operation of a motor vehicle.~~"

### SECTION 4.

This Act shall become effective on July 1, 2009.

### SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.